



City of Alameda

Meeting Agenda

City Council

Tuesday, December 6, 2022

7:00 PM

City Hall, 2263 Santa Clara Avenue, Council
Chambers, 3rd Floor, Alameda CA 94501

The agenda was revised on November 23, 2022 at 9 am to add Item 5-W

Pursuant to Assembly Bill 361, codified at Government Code Section 54953, Councilmembers can attend the meeting via teleconference. The City allows public participation via Zoom.

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For Zoom regular meeting registration, please click:
https://alamedaca-gov.zoom.us/webinar/register/WN_jlCXZQHmQgWR9tIOjgF2bA

For Telephone Participants:
Zoom Phone Number: 669-900-9128
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Any requests for reasonable accommodations should be made by contacting the City Clerk's office: clerk@alamedaca.gov or 510-747-4800.

City Hall will be NOT be open to the public during the meeting.

The Council may take action on any item listed in the agenda.

SPECIAL CITY COUNCIL MEETING - 5:00 P.M.

- 1** **Roll Call - City Council**
- 2** **Agenda Item - 6 members of the public may speak for up to 3 minutes; 7 or more may speak for up to 2 minutes**
- 2-A** **[2022-2512](#)** Listening Session and Partnership Opportunities with Local Indigenous People and Ohlone Tribes. (Recreation 10051400)
- 3** **Adjournment - City Council**

**SPECIAL JOINT MEETING OF THE CITY COUNCIL AND SUCCESSOR AGENCY TO
THE COMMUNITY IMPROVEMENT COMMISSION (SACIC) MEETING - 6:45 P.M.**

Pledge of Allegiance

1 Roll Call - City Council and SACIC

2 Consent Calendar - Items are routine and will be approved by one motion; members of the public may speak once for up to 2 minutes on the entire Consent Calendar; following public comment, the Council/SACIC can remove items and speak for up to 5 minutes on each item; recording a non-affirmative vote should be done without removal

2-A [2022-2634](#) Minutes of the Joint City Council and SACIC Meeting Held on October 18, 2022. [SACIC] (City Clerk)

2-B [2022-2572](#) Recommendation to Accept the Investment Transactions Report for the Period Ending September 30, 2022. [City Council and SACIC] (Finance 10024051)

Attachments: [Exhibit 1 - Investment Transactions Report](#)

3 Agenda Items - 6 members of the public may speak for up to 3 minutes; 7 or more may speak for up to 2 minutes

3-A [2022-2610](#) Adoption of Resolution Declaring That the Property Located at 2350 Fifth Street is Exempt Surplus Land Pursuant to Government Code Section 54221(f)(1)(D); [SACIC]
Adoption of Resolution Authorizing the Conveyance of the Property Located at 2350 Fifth Street to the City of Alameda in Accordance with the Terms of a Purchase and Sale Agreement Between the Successor Agency to the Community Improvement Commission of the City of Alameda and the City Reflecting a Purchase Price of \$430,000; and Authorizing the City Manager, or Designee, as Executive Director of the Successor Agency, to Execute the Purchase and Sale Agreement and Take Other Actions Necessary to Complete the Conveyance of the Property; [SACIC] and
Introduction of Ordinance Authorizing Acceptance of the Property Located at 2350 Fifth Street from the Successor Agency to the Community Improvement Commission of City of Alameda in Accordance with the Terms of a Purchase and Sale Agreement Between the City and the Successor Agency to the Community Improvement Commission of City of Alameda; and Authorizing the City Manager, or Designee, to Execute a Purchase and Sale Agreement Reflecting a Purchase Price of \$430,000 with the Successor Agency to the Community Improvement Commission of City of Alameda,

Execute and Record Necessary Affordable Housing Covenant for Approximately 55 Years, and Take Such Other Actions Necessary to Complete the Conveyance of the Property. [City Council] Sale of Surplus Government Property is Exempt from CEQA Review Pursuant to CEQA Guidelines Section 15312 (Surplus Government Property Sales). (Community Development 10061832)

Attachments: [Exhibit 1 - Property Map](#)
[Exhibit 2 - Purchase and Sale Agreement](#)
[Exhibit 3 - Affordable Housing Covenant](#)
[Resolution - Exempt Surplus Land](#)
[Resolution - Property Conveyance](#)
[Ordinance](#)

4 Adjournment - City Council and SACIC

REGULAR CITY COUNCIL MEETING - 7:00 P.M.

1 Roll Call - City Council

2 Agenda Changes

3 Proclamations, Special Orders of the Day and Announcements - Limited to 15 minutes

4 Oral Communications, Non-Agenda (Public Comment) - Limited to 15 minutes; members of the public may speak for up to 2 minutes regarding any matter not on the agenda; any remaining speakers may comment under Section 9

5 Consent Calendar - Items are routine and will be approved by one motion; members of the public may speak once for up to 2 minutes on the entire Consent Calendar; following public comment, the Council can remove items and speak for up to 5 minutes on each item; recording a non-affirmative vote should be done without removal

5-A [2022-2621](#) Minutes of the Special and Regular City Council Meetings Held on November 1, 2022. (City Clerk)

5-B [2022-2622](#) Bills for Ratification. (Finance)

Attachments: [Bills for Ratification](#)

5-C [2022-2644](#) Recommendation to Approve Agreement Appointing Jennifer Ott as City Manager Effective January 3, 2023. (Human Resources 10025060)

Attachments: [Exhibit 1 - Contract](#)

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| 5-D | <u>2022-2559</u> | <p>Recommendation to Authorize Updates to the Existing Alameda Police Department Policy Manual to Conform to Best Practices and to Ratify Policies that Have Been Updated Pursuant to Legal Updates, Significant Liability Issues, and Imminent Safety. (Police 10031100)</p> <p><u>Attachments:</u> <u>Exhibit 1 - Policy 328: Discriminatory Harassment</u>
 <u>Exhibit 2 - Policy 420: Cite and Release</u></p> |
| 5-E | <u>2022-2599</u> | <p>Recommendation to Authorize the City Manager, or Designee, to Negotiate and Execute a Five-Year Agreement with Axon Enterprise, Inc. to Acquire Body-Worn Camera (BWC) Equipment and 80 Conducted Energy Devices (CED), Generally Known as Tasers, for a Total Purchase Price, Not to Exceed \$1,103,180.93. (Police 10031110)</p> <p><u>Attachments:</u> <u>Exhibit 1 - Contract</u></p> |
| 5-F | <u>2022-2615</u> | <p>Adoption of Resolution to Amend the Salary Schedule, Adding the Classification of Independent Police Auditor, Approving Workforce Changes in the City Attorney's Office to Add One New Position and Authorize the City Attorney to Fill the New Position; and Adoption of Resolution to Amend the Fiscal Year 2022-23 General Fund Operating Budget to Transfer \$167,000 from Non-Departmental to the Police Auditor Division in the City Attorney's Office. (City Attorney 10023044)</p> <p><u>Attachments:</u> <u>Resolution - Workforce</u>
 <u>Resolution - Budget</u></p> |
| 5-G | <u>2022-2573</u> | <p>Recommendation to Accept and File Various Community Facilities Districts (CFD) Reports for Fiscal Year (FY) Ending June 30, 2022, including: CFD No. 03-1 (Bayport Municipal Services District); CFD No. 13-1 (Alameda Landing Public Improvements); CFD No. 13-2 (Alameda Landing Municipal Services District); CFD District No. 14-1 (Marina Cove II); and CFD No. 17-1 (Alameda Point Public Services District). (Finance 10024051)</p> <p><u>Attachments:</u> <u>Exhibit 1 - Annual Reports</u></p> |
| 5-H | <u>2022-2574</u> | <p>Recommendation to Accept the Development Impact Fee (DIF) and Fleet Industrial Supply Center (FISC)/Catellus Traffic Fee Report. (Finance 10024051)</p> <p><u>Attachments:</u> <u>Exhibit 1 - Annual Report: DIF</u>
 <u>Exhibit 2 - Annual Report: Traffic Fee</u></p> |
| 5-I | <u>2022-2575</u> | <p>Recommendation to Accept the 2013 Local Library Bond Measure Annual Report. (Finance 10024051)</p> <p><u>Attachments:</u> <u>Exhibit 1 - Annual Report</u></p> |

- 5-J** [2022-2576](#) Recommendation to Accept the Police and Fire Construction Impact Fee Annual Report. (Finance 10024051)
Attachments: [Exhibit 1 - Annual Report](#)
- 5-K** [2022-2588](#) Recommendation to Accept the Annual Review of the City of Alameda's Affordable Housing Unit Fee Requirements Consistent with Section 27-1 of the Alameda Municipal Code; Accept the Annual Affordable Housing Unit Fee Fund Activity Report; and By Motion, Find that: 1) Unit/Fee Requirements Set Forth in Local Law Remain Reasonably Related to the Impacts of Development, and 2) the Affordable Housing Units, Programs and Activities Required by Local Law Remains Needed to Support the Production of Affordable Housing in the City of Alameda. (Community Development 20861840)
Attachments: [Exhibit 1 - Annual Report](#)
- 5-L** [2022-2589](#) Recommendation to Approve Findings to Allow City Meetings to be Conducted via Teleconference. (City Clerk 10022020)
- 5-M** [2022-2608](#) Recommendation to Authorize the City Manager, or Designee, to Execute a Third Amendment to the Agreement with CDM Smith to Increase Compensation by \$586,000, Including Contingencies, for a Total Aggregate Compensation Not to Exceed \$3,158,930, to Complete the Plans and to Provide Construction Support for the Central Avenue Safety Improvement Project. In accordance with the California Environmental Quality Act (CEQA), this project is categorically exempt under CEQA Guidelines Section 15301(c) Existing Facilities (Minor alterations to existing facilities including bicycle facilities) and Section 15304(h) (Minor Alterations to Land and the creation of bicycle lanes on existing public rights of way). (Planning, Building and Transportation 20962740)
Attachments: [Exhibit 1 - Agreement](#)
 [Exhibit 2 - First Amendment](#)
 [Exhibit 3 - Second Amendment](#)
 [Exhibit 4 - Third Amendment](#)
 [Exhibit 5 - Proposed Work Scope](#)
 [Exhibit 6 - Proposed Budget](#)
- 5-N** [2022-2617](#) Recommendation to Authorize the City Manager, or Designee, to Partially Accept the Improvements Completed by Catellus Alameda Development, LLC, for Alameda Landing Waterfront Park, Phase 1 (Now Officially Named Bohol Circle Immigrant Park). The City previously certified a Final Environmental Impact Report for the Alameda Landing Mixed Use Development Project. Pursuant to CEQA Guidelines sections 15162 and 15163, none of the

circumstances necessitating further CEQA review are present. (Public Works 31041520)

Attachments: [Exhibit 1 - Phase Exhibit](#)

- 5-O** [2022-2611](#) Recommendation to Authorize the City Manager, or Designee, to Execute an Agreement with Bjork Construction Company, Inc. for the Littlejohn Park Recreation Building Restoration Project, No. P.W. 11-21-39, in an Amount Not to Exceed \$1,591,260; and Adoption of Resolution Amending the Fiscal Year 2021-23 Capital Budget to Increase Revenues and Expenditures in the Littlejohn Park Recreation Center Rebuild Project (C55500) in the Amount of \$1,877,686 Using \$1,822,475 in Insurance Reimbursement and \$55,211 in General Funds. In accordance with the California Environmental Quality Act (CEQA), this project is Categorically Exempt pursuant to CEQA Guidelines Sections 15301(c) (Existing Facilities), 15302 (Replacement or Reconstruction), and 15303 (New Construction of Small Structures). (Public Works 60641591)

Attachments: [Exhibit 1 - Construction Agreement Resolution](#)

- 5-P** [2022-2553](#) Adoption of Resolution Authorizing the City Manager, or Designee, to Execute All Necessary Documents with the Federal Emergency Management Agency and California Office of Emergency Services to Accept \$1,500,000 in Grant Funding from the Congressional Community Program and Obligate Said Funding for the Design Phase of the Bay Farm Island Flood Protection and Coastal Resilience Project. (Public Works 31041520)

Attachments: [Exhibit 1 - Notification of Subapplication Approval Resolution](#)

- 5-Q** [2022-2602](#) Adoption of Resolution Approving a Final Map and Authorizing the City Manager, or Designee, to Execute Subdivision Improvement Agreements (SIA) for Tract 8534, Broadway and Santa Clara Avenue. Approval of the Final Map and the SIA are categorically exempt from review under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (infill development projects) because 1) the project is consistent with the applicable General Plan designations and policies and applicable zoning designations and regulations; 2) the project occurs within City limits on a site of no more than five acres substantially surrounded by urban uses; 3) the project site has no value as habitat for endangered, rare or threatened species; 4) project approval would not result in any significant effects relating to traffic, noise, air quality, or water quality; and 5) the project site is adequately served by all required utilities and public services.

Additionally, approval of the Final Map is exempt from CEQA review pursuant to Public Resources Code section 21080(b)(1) (ministerial projects) and CEQA Guidelines section 15268 (ministerial projects). (Public Works 31041520)

Attachments: [Exhibit 1 - Final Map, Tract 8534](#)
[Exhibit 2 - SIA Phase 1](#)
[Exhibit 3 - SIA Phase 2](#)
[Exhibit 4 - Phasing](#)
[Resolution](#)

- 5-R** [2022-2563](#) Adoption of Resolution Approving Participation in California's Clean Fuel Reward Program and Delegating Authority to the General Manager to Execute the Participating Electric Distribution Utility Joinder Agreement to the Clean Fuel Reward Program Governance Agreement. (Alameda Municipal Power 10491900)

Attachments: [Exhibit 1 - Agreement](#)
[Resolution](#)

- 5-S** [2022-2601](#) Adoption of Resolution Accepting the West Alameda Transportation Management Association (WATMA) Annual Report, Declaring a Statement of Compliance Under Periodic Review for Development Agreements for the Alameda Landing Mixed Use Residential and Commercial Projects, and Recommending Transfer of Responsibility for the Alameda Landing Transportation Demand Management (TDM) Plan to the Citywide Alameda Transportation Management Association (ATMA). (Planning, Building & Transportation 20962710)

Attachments: [Exhibit 1 - Annual Report](#)
[Exhibit 2 - TDM Plan](#)
[Exhibit 3 - Master Developer Letter of Compliance](#)
[Resolution](#)

- 5-T** [2022-2600](#) Adoption of Resolution Authorizing the City Manager, or Designee, to Apply For, Execute an Agreement and Related Documents for, and Accept a \$500,000 Grant from the U.S. Department of Housing and Urban Development (HUD) for the Dignity Village Project Located at 2350 5th Street, Alameda, California; and Increasing Revenue and Expenditure Appropriations in the Grants Fund by \$500,000. (Community Development 10061832)

Attachments: [Exhibit 1 - Development Budget](#)
[Resolution](#)

- 5-U** [2022-2624](#) Adoption of Resolution Authorizing Application to the County of Alameda for \$1,663,654 of Measure A-1 Funds from the City Base

Allocation; and Use of the \$1,663,654 of Measure A-1 Funds for the Rebuilding the Existing Supporting Housing of Alameda Point Project (RESHAP). (Community Development 29061821)

Attachments: [Resolution](#)

- 5-V** [2022-2616](#) Final Passage of Ordinance Amending Various Sections of Alameda Municipal Code Chapter XXX (Development Regulations) and the Citywide Zoning Map to Implement the Housing Element, as Recommended by the Planning Board. On November 30, 2021, the City Council approved Resolution No. 15841 Certifying a Final Environmental Impact Report (EIR) for the Alameda 2040 General Plan Update. Pursuant to California Environmental Quality Act (CEQA) Guidelines sections 15162 and 15163, none of the circumstances necessitating further CEQA review or preparation of a new EIR are present. (Planning, Building & Transportation 20962710)

Attachments: [Ordinance](#)

- 5-W** **2022-2647** Final Passage of Ordinance Authorizing the City Manager, or Designee, to Execute a Ten Year (120 month) Lease, Substantially in the Form of the Attached Lease, with Rain Industries Inc., for Building 19, Located at 2175 Monarch Street, Alameda, CA. In accordance with the California Environmental Quality Act (CEQA), this action is categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15301 (Existing Facilities). (Community Development 29061822)

6 **Continued Agenda Items - Public comment and speaking times are determined based upon the prior meeting discussion**

7 **Regular Agenda Items - 6 members of the public may speak for up to 3 minutes; 7 or more may speak for up to 2 minutes**

- 7-A** [2022-2508](#) Public Hearing to Consider Adoption of Resolution Amending Master Fee Resolution No. 12191 to Add and Revise Recreation and Park Fees for Calendar Year 2023. (Recreation 10051400)

Attachments: [Exhibit 1 - Proposed Fee Schedule](#)
[Exhibit 2 - Comparison Study](#)
[Presentation](#)
[Resolution](#)

- 7-B** [2022-2609](#) Introduction of Ordinance Amending the Alameda Municipal Code by Amending: (1) Article I (Uniform Codes Related to Building, Housing, and Technical Codes) of Chapter XIII (Building and Housing) to Adopt the 2022 Edition of Chapter 1, Division II Scope and Administration, the 2022 Edition of the California Building Code, the 2022 Edition of

the California Residential Code, the 2022 Edition of the California Historical Building Code, the 2022 Edition of the California Electrical Code, the 2022 Edition of the Plumbing Code, the 2022 Edition of the California Mechanical Code, the 2022 Edition of the California Energy Code, the 1997 Edition of the Uniform Housing Code, and the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings; and (2) Adopting the 2022 Edition of the California Fire Code, Including Appendix Chapters 4, B, C, D, E, F, G, H, I, K and O, with Necessary Additions and Amendments to Section 15-1 of Chapter XV (Fire Prevention) Due to Local Climatic, Geological, or Topographical Conditions; and (3) Adopt the 2022 Edition of the California Green Buildings Standards Code with Necessary Additions and Amendments to Section 13-10 of Chapter XIII (Building and Housing) Due to Local Climatic, Geological, or Topographical Conditions. In accordance with the California Environmental Quality Act (CEQA), this action is exempt pursuant to CEQA Guidelines section 15061(b)(3). (Planning, Building and Transportation 20962710)

Attachments: [Ordinance](#)

- 7-C** [2022-2619](#) Adoption of Resolution Authorizing the Issuance of City of Alameda Community Facilities District (CFD) No. 22-1 (Alameda Marina) 2022 Special Tax Bonds, and Approving Related Documents and Actions. On July 10, 2018, the City Council certified the Final Environmental Impact Report (EIR) for the Alameda Marina Master Plan in accordance with the California Environmental Quality Act (CEQA) (State Clearinghouse No. 2016102064). The formation of a CFD and issuance of the 2022 Bonds only involves financing for improvements that are already the subject of relevant environmental approval and thus does not present any new environmental impacts or necessitate further environmental review. (Finance 10024051)

Attachments: [Exhibit 1 - Fiscal Agent Agreement](#)
[Exhibit 2 - Bond Purchase Agreement](#)
[Exhibit 3 - Preliminary Official Statement](#)
[Resolution](#)

- 7-D** [2022-2614](#) Adoption of Resolution Adopting the Draft Active Transportation Plan. The City previously certified a Final Environmental Impact Report for the Alameda General Plan 2040 Update. Pursuant to CEQA Guidelines sections 15162 and 15163, none of the circumstances necessitating further CEQA review are present. (Planning, Building & Transportation 20962740)

Attachments: [Exhibit 1 - Final Draft Active Transportation Plan](#)
[Exhibit 2 - Appendix A. Plans and Policies Review](#)
[Exhibit 3 - Appendix B. Summaries of Community Survey and Public Engagement](#)
[Exhibit 4 - Appendix C. Existing Conditions Report](#)
[Exhibit 5 - Appendix D. Level of Traffic Stress and Trip Potential Analysis](#)
[Exhibit 6 - Appendix E. Detailed Crash Analysis Report](#)
[Exhibit 7 - Appendix F. Pedestrian and Bicycle Facility Types](#)
[Exhibit 8 - Appendix G. Active Transportation Project Prioritization](#)
[Exhibit 9 - Public Comments on Draft](#)
[Exhibit 10 - Public Comments on Final Draft Resolution](#)

- 7-E** [2022-2562](#) Introduction of Ordinance (Surveillance Technology) to Require City Departments to Obtain City Council Approval Before Acquiring Surveillance Technology and to Require an Annual Surveillance Report Concerning the City's Use of Surveillance Technology.
The Ordinance is Exempt from Environmental Review under Section 15378(b)(2) of the California Environmental Quality Act Guidelines.
(City Manager 10030100)

Attachments: [Exhibit 1 - Resolution 15625 Ordinance](#)

- 7-F** [2022-2618](#) Final Passage of Ordinance Authorizing the City Manager, or Designee, to Execute a Lease with Astra Space, Inc., a Delaware Corporation, Substantially in the Form of the Lease Attached to the Staff Report, for Fifty-Nine Months for Building 360, Located at 1900 Skyhawk Street, at Alameda Point. This action is exempt from further review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15301 (Existing Facilities).
(Community Development 29061822)

Attachments: [Exhibit 1 - Lease](#)
[Exhibit 2 - Pages From Project Stabilization Agreement and Attestation Ordinance](#)

- 8** **City Manager Communications - Communications from City Manager**
- 9** **Oral Communications, Non-Agenda (Public Comment) - Members of the public may speak for up to 2 minutes regarding any matter not on the agenda**

10 Council Referrals - Matters placed on the agenda by Councilmembers may be scheduled as future agenda items or dispositive action may be taken on sufficiently noticed time sensitive legislative matters; presentations are limited to 5 minutes; Councilmembers can speak for up to 3 minutes; 6 members of the public may speak for up to 3 minutes; 7 or more may speak for up to 2 minutes

10-A [2022-2111](#) Consider Directing Staff to Reform the Fee Towing Companies Require Alameda Residents to Pay to Retrieve Towed Vehicles. (Councilmember Daysog) [Not heard on June 21, July 5, September 6, 20, October 4, 18, November 1 or 15, 2022]

Attachments: [Email](#)

10-B [2022-2175](#) Consider Directing Staff to Address Massive Corporations Purchasing Housing. (Councilmember Herrera Spencer) [Not heard on July 5, September 6, 20, October 4, 18 or November 1 or 15, 2022]

Attachments: [Email](#)

10-C [2022-2300](#) Consider Directing Staff to Create a Requirement for Upfront Payment of Candidate Statements if a Candidate for Local Elected Office Has a Balance Due from a Prior Election. (Councilmember Knox White and Vice Mayor Vella) [Not heard on September 6, 20, October 4, 18 or November 1 or 15, 2022]

11 Council Communications - Councilmembers can speak for 9 minutes to address any matter not on the agenda, including reporting on conferences or meetings

12 Adjournment - City Council

- Meeting Rules of Order are available at:
<https://www.alamedaca.gov/Departments/City-Clerk/Key-Documents#section-4>
- Please contact the City Clerk at 510-747-4800 or clerk@alamedaca.gov at least 48 hours prior to the meeting to request any reasonable accommodation that may be necessary to participate in and enjoy the benefits of the meeting.
- Translators and sign language interpreters will be available on request. Please contact the City Clerk at 510-747-4800 at least 48 hours prior to the meeting to request a translator or interpreter.
- Minutes of the meeting available in enlarged print.
- Documents related to this agenda are available for public inspection and copying at of the Office of the City Clerk, 2263 Santa Clara Avenue, Room 380, during normal business hours.
- Sign up to receive agendas here: <https://alameda.legistar.com/Calendar.aspx>

- **KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City of Alameda exist to conduct the citizen of Alameda's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.
- **FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT COMMISSION:** the address is 2263 Santa Clara Avenue, Room 380, Alameda, CA, 94501; phone number is 510-747-4800; fax number is 510-865-4048, e-mail address is lweisiger@alamedaca.gov and contact is Lara Weisiger, City Clerk.
- In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.